

ESTTA Tracking number: **ESTTA594856**

Filing date: **03/26/2014**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Notice of Opposition

Notice is hereby given that the following party opposes registration of the indicated application.

Opposer Information

Name	Delson Group Inc.		
Entity	Corporation	Citizenship	Delaware
Address	1218 Bubb Road Cupertino, CA 95014 UNITED STATES		

Attorney information	J. James Li LiLaw Inc. 5050 El Camino Real, Suite 200 Los Altos, CA 94022 UNITED STATES lij@lilaw.us, chenc@lilaw.us, shataraT@lilaw.us Phone:(650) 521-5956
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Applicant Information

Application No	85455475	Publication date	03/25/2014
Opposition Filing Date	03/26/2014	Opposition Period Ends	04/24/2014
International Registration No.	NONE	International Registration Date	NONE
Applicant	Tencent Holdings Limited Cricket Square Hutchins Dr., George Town Grand Cayman, KYX KYX		

Goods/Services Affected by Opposition

Class 009. First Use: 0 First Use In Commerce: 0

All goods and services in the class are opposed, namely: Apparatus and instruments for conducting, switching, transforming, accumulating, regulating or controlling electricity; apparatus for recording, transmission or reproduction of sound or images; blank magnetic data carriers, blank recording discs; pre-recorded magnetic data carriers and discs featuring computer games; computer software for the purposes of enabling the access to, transmission of, provision of, organization of and management of text messaging, instant messaging, voice messaging, hold-to-talk voice messaging, broadcast messaging, one-to-many messaging, photo and video sharing, location sharing, online blog journals, text messages, voice messages, web links and images via the Internet and other communications networks; downloadable software via the Internet for accessing, sending and receiving information on a global computer network; communications software for the facilitation of communication and data transmission in the field of social networking; computer software for playing computer games; computer software for the purposes of playback of audio and video materials; computer software for the purposes of playback of audio and video materials stored via cloud data storage; computer software for recording, organizing, transmitting, receiving, manipulating, playing and reviewing text, data, image, audio and video files; computer software for use in organizing, transmitting, receiving, manipulating, playing and reviewing text, data, image, audio and video files on portable and handheld digital electronic devices; computer software to enable the playback of audio, visual,

video and audio-visual computer media files; computer software for the purposes of producing animated graphic interchange files; computer software for optimizing the speed of core processors; software to enhance the audio visual capabilities of multimedia applications, namely, the integration of text, audio, graphics, still images and moving pictures; automatic vending machines and mechanisms for coin-operated apparatus; cash registers, calculating machines, data processing equipment and computers; fire-extinguishing apparatus; computer hardware; computer software for use in creating, editing and delivering textual and graphic information via computer communication networks, wireless, telephone or other communication tool, Internet Protocol (IP) telephones; computer software used to enhance the capabilities and features of other software and nondownloadable online software; software and software applications to enable transmission, access, organization, and management of text messaging, instant messaging, online blog journals, text, web links, and images via the Internet and other communications networks; downloadable software to facilitate online advertising, business promotion, connecting social network users with businesses and for tracking users and advertising of others to provide strategy, insight, marketing, and predicting consumer behavior; downloadable software for use in creating, editing and delivering textual and graphic information via computer communication networks, wireless, telephone or other communication tool, Internet Protocol (IP) telephones; software for accessing information on a global computer network; downloadable software in the field of social networking for use in creating personal profiles and collecting user-defined information; downloadable software in the nature of a mobile application for use in creating, editing and delivering textual and graphic information via computer communication networks, wireless, telephone or other communication tool, Internet Protocol (IP) telephones; digital wireless telecommunications software; computer software for use in creating, editing and delivering textual and graphic information via computer communication networks, wireless, telephone or other communication tool, Internet Protocol (IP) telephones; downloadable computer programs for use in telecommunications, namely, telecommunications software for providing single user and multiple user access to a global computer network

Class 016. First Use: 0 First Use In Commerce: 0

All goods and services in the class are opposed, namely: Paper, cardboard and goods made from these materials, not included in other classes, namely, pamphlets, brochures, leaflets, instruction manuals, all in the fields of computers, telephones, mobile telephones and other mobile devices, and cardboard boxes for use as packaging; printed matter, namely, pamphlets, brochures, leaflets, instruction manuals, all in the fields of computers, telephones, mobile telephones and other mobile devices; book binding material; photographs; stationery; adhesives for stationery or household purposes; artists' materials, namely, brushes, paints, pastels; typewriters and office requisites except furniture, namely, card files, document files, folders, staplers, paper clips, and rubber bands; instructional and teaching material, except apparatus, in the field of computers, telephones, mobile telephones and other mobile devices; plastic materials for packaging, namely, bags, bubble packs; printers' type; printing blocks; adhesive labels; photograph albums; autograph books; greetings cards; gift bags; gift boxes; wrapping paper; appointment books; birthday books; diaries; calendars; business cards; paint brushes; pastels; crayons; canvases for painting; charcoals for drawing; sketch books; notepads; exercise books; note paper; envelopes; erasers; pencils; pencil cases; pens; ink pens and pads; pen ink cartridges; correction pens; correction fluids; binders; document wallets; books, printed publications in the nature of magazines, journals, newspapers, broadsheets, brochures, leaflets, booklets, catalogues, circulars, manuals, programmes, directories, annuals in the form of printed publications, prospectuses, all in the fields of computers, telephones, mobile telephones and other mobile devices

Class 035. First Use: 0 First Use In Commerce: 0

All goods and services in the class are opposed, namely: Advertising and marketing; business management; business administration; office functions; advertising services; business data analysis; online service for connecting social network users with businesses for facilitating purchases via a payment platform; online advertising and marketing services; promotional services using audiovisual media; business networking; business monitoring and consulting services, namely, tracking users and advertising of others to provide strategy, insight, marketing guidance, and for analyzing, understanding and predicting consumer behavior and motivations, and market trends; placing advertisements and promotional displays in electronic sites accessed via computer networks; providing information regarding careers, employment, and job placement; providing market information in relation to consumer products; providing commercial information on shopping; compiling and maintaining online business directories; providing information regarding organizing and conducting volunteer programmes and community service projects; advertising; computerized file

management; sales promotion for others; computerized database management; systemization of information into computer databases; business information services; providing business information over the internet; providing facilities for the use of office equipment, namely, computer stations

Class 038. First Use: 0 First Use In Commerce: 0

All goods and services in the class are opposed, namely: Electronic communication services for the electronic transmission of data, messages, images, and voices and telecommunication services by means of mobile telephone, telephone, mobile devices, voice mail, teleconferencing, facsimile transmission, satellite transmission, paging services; message sending, communications by telephone, cellular telephone communication, electronic mail, computer aided transmission of messages and images, facsimile transmission, satellite transmission, paging services; provision of radio, telephone or other means of electronic communication services, namely, electronic computer terminals; rental of message sending apparatus; multi-media telecommunication services, namely, transmission of sound and video via interactive multimedia networks; interactive telecommunications services by electronic communications networks and electronic computer terminals; communication by computer terminals, video, wire, satellite, microwave and cable; voice communication by electronic means; leasing and rental of communication and telecommunication apparatus and instruments; transmission of data by electronic means among fixed and mobile points; voice communication services among fixed and mobile point; transmission of data and of information by electronic means, mobile telephones, computer, cable, radio, communications satellite; digital network teleconferencing service; provision of on-line forums for transmission of messages among computer users; providing online chat rooms for transmission of messages among users in the field of general interest, and for social networking; providing access to computer databases; provision of information, management, consultancy and advisory services for the aforesaid services; telecommunication services, namely, providing online and telecommunication facilities for real-time interaction between and among users of computers, mobile and handheld computers, and wired and wireless communication devices; telecommunication services, namely, enabling individuals to send and receive messages via email, instant messaging or a website on the internet in the field of general interest; providing on-line chat rooms and electronic bulletin boards for transmission of messages among users in the field of general interest; telecommunications; electronic mail services; instant messaging services, web messaging services, and text messaging services; electronic communication services; broadcasting services; webcasting services; transmission of messages, data and content via a global computer network and other computer and communications networks; transmission of updated messages, comments, information, and multimedia content by electronic mail, instant messaging, text messaging, and via a global computer network and other computer and communications networks; providing online forums, chat rooms, and online list servers for the transmission of messages, comments, information, and multimedia content among computer users; telecommunication services, namely, enabling users to transmit messages, comments, multimedia content, videos, movies, films, photos, audio content, animation, pictures, images, text, information, and other user-generated content via a global computer network and other computer and communications networks; providing online community forums for users to post, search, watch, share, critique, rate, and comment on, messages, comments, multimedia content, videos, movies, films, photos, audio content, animation, pictures, images, text, information, and other user-generated content; broadcasting services via a global computer network and other computer and communications networks including radio and television which features uploaded, downloaded, posted, shown, displayed, tagged, shared and electronically transmitted messages, comments, multimedia content, videos, movies, films, photos, audio content, animation, pictures, images, text, information, and other user-generated content; providing internet access to online non-downloadable software; providing access to non-downloadable software to enable sharing of multimedia content and comments among users in the fields of news, weather, sports, travel, current events, reference information, career information, computing, technology, shopping, auctions, movies, theater, music, health, education, science, finance, and investing

Class 041. First Use: 0 First Use In Commerce: 0

All goods and services in the class are opposed, namely: Providing entertainment information via cellular and wireless communication, the Internet, electronic communications networks and computer networks in the fields of entertainment news, sports, current entertainment events, entertainment reference information, computer games, movies, theater, music, education, and the academic field of science for the purpose of academic study; organizing sporting and cultural activities in the nature of computer games to be played online via a computer network; publishing on-line journals, namely, blogs featuring user-defined content; providing non-downloadable education

services in the form of electronic, computer and video games provided by means of the Internet, mobile telephone and/or other communications device, systems and networks; providing training services in the field of technology in the form of electronic, computer and video games provided by means of the Internet, mobile telephone and/or other communications device, systems and networks; providing on-line journals, namely, blogs, featuring user-defined content; provision of information in the field of computers in the forms of publications, namely, magazines, magazines supplements, magazine sections, newsletters, pamphlets, brochures, exhibition programs, reports, books and directories, provided on-line from a computer data base or from the Internet

Class 042. First Use: 0 First Use In Commerce: 0

All goods and services in the class are opposed, namely: Computer programming; design, research and development in the field of telecommunication and broadcasting and related apparatus and equipment; design of web sites and software applications on global computer networks and local and internal business computer networks; computer hardware and software leasing; designing, maintenance, testing and analysis of computer software, computer system and computer programs; updating of computer software, recovery of computer data; graphic art design and development of multimedia software applications; monitoring the websites of others to improve scalability and performance, integration of computer database systems; application provider services (ASP), namely, hosting computer software applications of others and developing websites of others in the fields of advertising and marketing; hosting an interactive website and online non-downloadable software that enable users to post, search, watch, share, critique, rate, and comment on, messages, comments, multimedia content, videos, movies, films, photos, audio content, animation, pictures, images, text, information, and other user-generated content via a global computer network and other computer and communications networks; hosting an interactive website and online non-downloadable software for uploading, downloading, posting, showing, displaying, tagging, sharing and transmitting messages, comments, multimedia content, videos, movies, films, photos, audio content, animation, pictures, images, text, information, and other user-generated content; dress and fashion design; providing online non-downloadable software tools, namely, tools for creating calendars and customizing emails; scientific and technological services and research and design relating thereto all in the field of information technology and computing; design and development of computer hardware and software; industrial analysis and research services in the field of information technology and computing; hosting a website featuring messages, comments, multimedia content, videos, movies, films, photos, audio content, animation, pictures, images, text, information, and other user-generated content online; hosting computer software applications of others; hosting of digital content online; hosting multimedia content for others; computer services, namely, providing temporary use of a non-downloadable computer interface in order to create online personalized information services; designing, updating, testing and analysis of computer systems, computer hardware, computer software and computer programs; creating and maintaining web sites for others, hosting computer sites, namely, web sites; design of web sites and software applications on global computer networks and local and internal computer networks; provision of information, management, consultancy and advisory services relating to all the aforesaid services; providing a video sharing portal; creating an online community for registered users to participate in discussions, get feedback from their peers, form virtual communities, and engage in social networking

Class 045. First Use: 0 First Use In Commerce: 0


All goods and services in the class are opposed, namely: Providing online, internet-based social networking services; providing a website on the internet for the purpose of social networking; personal and social services, namely, social introduction services, rendered by others to meet the need of individuals; online social networking services; legal services

Grounds for Opposition

Deceptiveness	Trademark Act section 2(a)
False suggestion of a connection	Trademark Act section 2(a)
Priority and likelihood of confusion	Trademark Act section 2(d)

Mark Cited by Opposer as Basis for Opposition

U.S. Application No.	85538374	Application Date	02/09/2012
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Registration Date	NONE	Foreign Priority Date	NONE
Word Mark	TENCENT		
Design Mark			
Description of Mark	NONE		
Goods/Services	<p>Class 042. First use: First Use: 2011/10/15 First Use In Commerce: 2012/02/04</p> <p>Scientific and technological services and research and design relating thereto, namely, research and development of computer software and communication software, research and development of system architecture and system hardware in the field of information and communication technology; scientific industrial analysis and research services; design and development of computer hardware and software; computer rental; rental of computer software and hardware; updating of computer software for others; computer software consultancy services; computer programming for others; technical computer systems analysis services; design of networks and telecommunication installations for others, namely, installation of computer software; providing temporary use on on-line non-downloadable computer software for use in management of a database, for use as a spreadsheet and computer search engine, for word processing, for computer aided design, for information retrieval in the field of information and communication technology; testing and research relating to telecommunication apparatus and instruments, electronic apparatus and instruments, their parts and fittings thereof, mobile telephones, computers and radio pagers; providing temporary use on on-line non-downloadable computer software for an automatically updating address book, a personal planner, a date reminder, a travel planner, alumni and professional group links and business and social networking for a consumer's business and personal use; cross-platform conversion of digital content into other forms of digital content; data encryption services; computer disaster recovery planning services; computer network security services, namely, compiling information about potential security threats, developing software for scanning and cleaning virus for handheld devices and computer systems; computer security system consultation services; providing electronic verification of on-line orders of digital content and generating electronic permission codes which then allow users to access said digital content; creating and maintaining web sites for others; providing search engines for the Internet; computer services, namely, creating an online community and social networking for registered users to participate in competitions, showcase their skills, get feedback from their peers, join discussion, share information, form virtual communities, engage in social networking and improve their talent; computer services, namely, designing, managing and monitoring websites for others featuring online forums for discussion; computer programming services for others; application service provider, namely, hosting computer software applications for others for mobile communications; hosting of digital content on the internet; hosting the websites of others on a computer server for a global computer network; computer services, namely, creating computer network-based indexes of information available on computer networks; providing customized computer searching</p>		

	<p>services, namely, searching and retrieving information at the customer's specific request via mobile devices and the global communication networks in the field of information technology; consulting services in the field of design, selection, implementation and use of computer hardware and software systems for others; installation, maintenance and repair of computer software; engineering services, namely, technical project planning services related to telecommunications equipment; providing customized computer searching services, namely, searching and retrieving information at the customer's specific request in the field of wireless and mobile communications; computer technological consulting in the field of information technology, semiconductors, sensing and diagnostic electronics, distributed control devices, vehicle control and communication systems, vehicle navigation devices, electronic displays, robotics, cryptography and computer security electronics, information and data analysis, computer performance analysis, software applications development, software systems design, computer protocols design, computer terminal design and computer network design; scientific research and development services in the fields of information and communication technology, semiconductors, radio frequency transceivers, communication transmission devices, sensing and diagnostic electronics, distributed control devices, vehicle communication systems, vehicle control circuits, vehicle navigation device, vehicle safety and security systems, electronic displays, robotics, cryptography and security electronics, communications signal detection devices, compression and processing devices, antenna technology, information and data analysis, computer performance analysis, software applications development, software systems design, computer protocols design, computer terminal design and computer network design; providing a website featuring on-line non-downloadable software that enables users to upload, download, stream, post, display blog, link, share audio and video content, photographic images, text, graphics and data; computer services, namely, managing business, personal and social networking web sites among different service and application platforms of others; computer services for integrating different software service and application platforms in social, business, personal and community networking; research and development in the field of business, personal and social networking</p>
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Related Proceedings	Tencent Holdings Limited v. Delson Group Inc. (Cancellation No. 91207516)
Attachments	85538374#TMSN.jpeg(bytes) 14 0326 Delson Ntc of Opposition.pdf(3388387 bytes)

Certificate of Service

The undersigned hereby certifies that a copy of this paper has been served upon all parties, at their address record by First Class Mail on this date.

Signature	/J. James Li/
Name	J. James Li
Date	03/26/2014

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

DELSON GROUP INC.

Opposer,

v.

TENCENT HOLDINGS LIMITED
Applicant.

Opposition No. _____

TM: TENCENTWEIBO
(Serial No. 85/455,475)

NOTICE OF OPPOSITION

Commissioner for Trademarks
P.O. Box 1451
Alexandria, VA 22313-1451

Dear Sir:

Opposer Delson Group Inc. (“Delson”) hereby submits the following Notice of Opposition (the “Notice”). The provisions of the Notice shall not constitute a waiver of any right, privilege, or defense.

I. FACT BACKGROUND

A. Opposer and Its Trademark TENCENT

1. Delson is a corporation, duly organized and existing under the laws of the state of Delaware, having its principal business office at 1218 Bubb Road, Cupertino, California 95014.

2. Delson is in the business of organizing international conferences and conducting research and development related to mobile wireless technologies and products. Delson's co-founder, Prof. Willie Lu, is a renowned international expert on mobile wireless technology and standards. Prof. Lu was a member of the United States Federal Communications Commission's Technological Advisory Council, and the principal inventor of Open Wireless Architecture (OWA) and Mobile Cloud core platform, which are widely used in mobile handheld devices, mobile portable devices, and mobile chipsets, etc. Through Delson, Prof. Lu founded "TENCENT R&D Service," which is a research and development (R&D) service platform on mobile wireless technology and other information and communication technologies ("ICT"). Delson also founded many world-class R&D technology events, including WORLD WIRELESS CONGRESS, GLOBAL MOBILE CONGRESS, and MOBILE WORLD CONGRESS, with numerous global mobile and wireless professionals involved in these events as well as in the R&D services.

3. Delson started to market TENCENT for its R&D service on OWA and related ICT technologies to local residents and communities in March 2011 (Exhibit 1). The R&D service has been established in Santa Clara County, California, since March 2011. Subsequently, Delson continuously marketed and advertised its TENCENT R&D services.

4. Delson frequently used TENCENT to market and promote its R&D services, technologies, and service platforms in the ICT sector (Exhibit 2), including research and development, online social networking, online publications, trainings, consultancy and advisory, broadcasting during conferences, business consulting and management, technical and business networking, hardware and software, design documents and technical publications, etc.

5. Delson also marketed, promoted, and advertised its TENCENT services through Delson's conferences including World Wireless Congress, Mobile World Congress, as well as Delson's meetings and events with its various business partners and conference sponsors.

6. By virtue of Delson's continuous and substantial use since March 2011, the TENCENT mark has become the identifier of Delson's R&D service in the field, and it distinguishes Delson's goods/services from those of others. As a result, Delson has built up, at a great expense and effort, valuable goodwill and consumer recognition in its trademark.

7. On February 9, 2012, Delson filed the trademark application for TENCENT for class 042 with Serial Number 85538374 (Exhibit 3). Though Delson had marketed the mark to the public locally since March 2011, at the time of filing the application, Delson, represented by Prof. Lu, misunderstood the meaning of "commercial use date" in the application process and mistakenly thought that "commercial use" must be in the form of final commercial sale of products or services, a mistake that will be corrected soon.

B. THL and Its TECENTWEIBO Application

8. Tencent Holdings Limited ("THL") is a corporation organized under the law of the Cayman Islands, with the address of Cricket Square Hutchins Dr., George Town, P.O. Box 2681 GT, Century Yard, Grand Cayman, Cayman Islands. THL's

business headquarters and principal business operation centers are located in the People's Republic of China.

9. THL's application for the mark TENCENTWEIBO ("THL's Application") was filed on October 25, 2011, claiming a priority date of October 17, 2011, with Serial Number 85455475, based on Sections 1(b) and 44(d) of the Trademark Act., i.e., 15 U.S.C. § 1051(b) & 1126(d). *See* Exhibit 4. The filing under Section 1(b) shows that THL had not yet started using the mark TENCENTWEIBO as of October 25, 2011, the filing date of THL's Application. The THL Application was published for opposition on March 25, 2014.

10. On information and belief, THL's mark TENCENTWEIBO, to the extent it has been used at all, has only been used in China as of October 25, 2011.

11. On information and belief, THL's central data centers or servers for its Goods/Services of TENCENTWEIBO have always been hosted and based in China as of October 25, 2011.

12. On information and belief, THL's central data centers or servers for its Goods/Services of TENCENTWEIBO have been fully open to, accessible by, and/or controlled by a foreign government as of October 25, 2011.

13. On information and belief, THL's central data centers or servers for its Goods/Services of THL's other trademark applications, including Serial Numbers 85455432, 85876114, 85767185, 85980053, 85687478, 85725040, 85888910, were fully open to, accessible by, and/or controlled by a foreign government as of the filing dates of THL's applications.

14. On information and belief, to the extent that THL had any Goods/Services of TENCENTWEIBO in the U.S. market, it did not have export control permits required by U.S. laws before exporting technologies of related Goods/Services to certain countries, including China, as of the filing date of THL's Application.

C. THL and Its Opposition to the TENCENT Application

15. On or about October 16, 2012, THL filed a Notice of Opposition to Delson's application for the TENCENT Mark, on the ground of likelihood confusion (Opposition No. 91207516).

16. On or about August 21, 2013, THL filed a motion for summary judgment, which the Board denied. The opposition proceeded to its trial stage.

17. On or about January 22, 2014, toward the end of its trial period, THL filed a motion to suspend its own opposition proceeding on the basis that its TENCENTWEIBO application had been allowed for publication. The Board granted the motion to suspend the proceeding, with the understanding that Delson would file a notice of opposition when TENCENTWEIBO was published, and that the two oppositions would then be consolidated.

II. CLAIM ONE: LIKELIHOOD OF CONFUSION

18. Delson incorporates by reference the foregoing paragraphs as if they are fully set forth herein.

19. Delson's common law right in the TENCENT mark predates both the filing date and the priority date of TENCENTWEIBO under Section 7(c) of the Trademark Act, 15 U.S.C. § 1057(c). Delson's right in the TENCENT mark is superior to THL's right in TENCENTWEIBO.

20. TENCENTWEIBO is the combination of TENCENT and WEIBO. "WEIBO" means "microblog" in Chinese and is thus generic. Adding WEIBO to TENCENT does not distinguish TENCENTWEIBO from TENCENT.

21. Delson and THL have the same or similar Goods/Services in the field of information and communication technology. Delson frequently used TENCENT to market and promote its research and development, online social networking, online publications, trainings, consultancy and advisory, broadcasting during conferences, business consulting and management, technical and business networking, hardware and

software, design documents, and technical publications. These businesses of Delson under TENCENT overlap considerably with TENCENTWEIBO's scope of use.

22. Allowing THL to register TENCENTWEIBO would create confusion among U.S. consumers to associate TENCENTWEIBO with Delson and TENCENT with THL. Customers would mistakenly believe that the Goods/Services offered by Delson and THL are related, associated, co-branded, or marketed in the same or similar channels of sales and channels of marketing and advertising. THL's application for TENCENTWEIBO should be rejected based on Section 2(d) of the Trademark Act, 15 U.S.C. § 1052(d).

III. CLAIM TWO: DECEPTION AND FALSE CONNECTION

23. Delson incorporates by reference the foregoing paragraphs as if they are fully set forth herein.

24. Delson had established the association between TENCENT and itself in the relevant areas of goods and services prior to the priority date of THL's Application.

25. By using TENCENTWEIBO to mark its goods and services, THL misrepresents to the public that the goods and services are from the same source as those offered by Delson under the mark TENCENT, thus falsely suggesting a connection to the public between Delson's and THL's goods and services.

26. THL's Application for TENCENTWEIBO should be rejected under Section 2(a) of the Trademark Act, 15 U.S.C. 1052(a).

IV. PRAYER FOR RELIEF

The Board should sustain Delson's objection to U.S. Trademark Application Serial No. 85455475, and should reject and strike the registration.

Respectfully submitted,

Date: March 26th, 2014

/J. James Li/

J. James Li, Ph.D.
LiLaw Inc.
Counsel for
Delson Group, Inc.

CERTIFICATE OF TRANSMITTAL

This is to certify that a true and correct copy of the foregoing **NOTICE OF OPPOSITION** is being filed electronically with the TTAB via ESTTA on this day, March 26th, 2014.



Tanya Shatara

CERTIFICATE OF SERVICE

I hereby certify that a true and complete copy of the foregoing **NOTICE OF OPPOSITION** has been served on Angela A. Sujek, Alan N. Harris, and Karen H. Anderson, Attorneys for Applicant Tencent Holdings Limited, by mailing said copy on March 26th, 2014, via First Class Mail, postage prepaid to:

Angela A. Sujek
Alan N. Harris
Karen H. Anderson
BODMAN PLC
201 South Division St., Suite 400
Ann Harbor, MI 48104
Telephone: (734) 761-3680
Facsimile: (734) 930-2494

Attorneys for Applicant Tencent Holdings Limited



Tanya Shatara

Exhibit 1



Exhibit 2

OWA TENCENT Service Platform

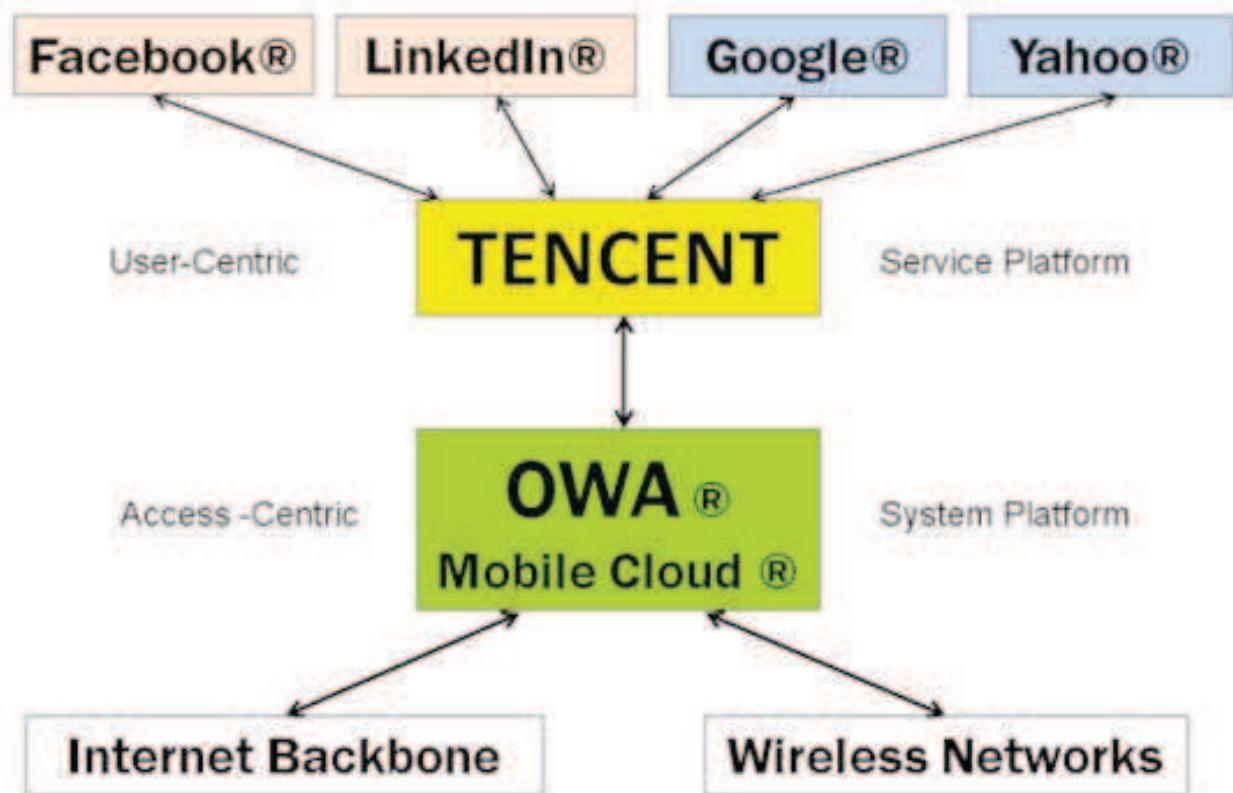


Exhibit 3



Trademarks > Trademark Electronic Search System (TESS)

TESS was last updated on Thu Feb 20 03:10:26 EST 2014

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Record 2 out of 7

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(Use the "Back" button of the Internet Browser to return to TESS)

TENCENT

Word Mark TENCENT

Goods and Services IC 042. US 100 101. G & S: Scientific and technological services and research and design relating thereto, namely, research and development of computer software and communication software, research and development of system architecture and system hardware in the field of information and communication technology; scientific industrial analysis and research services; design and development of computer hardware and software; computer rental; rental of computer software and hardware; updating of computer software for others; computer software consultancy services; computer programming for others; technical computer systems analysis services; design of networks and telecommunication installations for others, namely, installation of computer software; providing temporary use on on-line non-downloadable computer software for use in management of a database, for use as a spreadsheet and computer search engine, for word processing, for computer aided design, for information retrieval in the field of information and communication technology; testing and research relating to telecommunication apparatus and instruments, electronic apparatus and instruments, their parts and fittings thereof, mobile telephones, computers and radio pagers; providing temporary use on on-line non-downloadable computer software for an automatically updating address book, a personal planner, a date reminder, a travel planner, alumni and professional group links and business and social networking for a consumer's business and personal use; cross-platform conversion of digital content into other forms of digital content; data encryption services; computer disaster recovery planning services; computer network security services, namely, compiling information about potential security threads, developing software for scanning and cleaning virus for handheld devices and computer systems; computer security system consultation services. providing electronic verification of on-line orders of digital content and generating electronic permission codes which then allow users to access said digital content; creating and maintaining web sites for others; providing search engines for the Internet; computer services, namely, creating an online community and social networking for registered users to participate in competitions, showcase their skills,

get feedback from their peers, join discussion, share information, form virtual communities, engage in social networking and improve their talent; computer services, namely, designing, managing and monitoring websites for others featuring online forums for discussion; computer programming services for others; application service provider, namely, hosting computer software applications for others for mobile communications; hosting of digital content on the internet; hosting the websites of others on a computer server for a global computer network; computer services, namely, creating computer network-based indexes of information available on computer networks; providing customized computer searching services, namely, searching and retrieving information at the customer's specific request via mobile devices and the global communication networks in the field of information technology; consulting services in the field of design, selection, implementation and use of computer hardware and software systems for others; installation, maintenance and repair of computer software; engineering services, namely, technical project planning services related to telecommunications equipment; providing customized computer searching services, namely, searching and retrieving information at the customer's specific request in the field of wireless and mobile communications. computer technological consulting in the field of information technology, semiconductors, sensing and diagnostic electronics, distributed control devices, vehicle control and communication systems, vehicle navigation devices, electronic displays, robotics, cryptography and computer security electronics, information and data analysis, computer performance analysis, software applications development, software systems design, computer protocols design, computer terminal design and computer network design; scientific research and development services in the fields of information and communication technology, semiconductors, radio frequency transceivers, communications transmission devices, sensing and diagnostic electronics, distributed control devices, vehicle communication systems, vehicle control circuits, vehicle navigation device, vehicle safety and security systems, electronic displays, robotics, cryptography and security electronics, communications signal detection devices, compression and processing devices, antenna technology, information and data analysis, computer performance analysis, software applications development, software systems design, computer protocols design, computer terminal design and computer network design; providing a website featuring on-line non-downloadable software that enables users to upload, download, stream, post, display blog, link, share audio and video content, photographic images, text, graphics and data; computer services, namely, managing business, personal and social networking web sites among different service and application platforms of others; computer services for integrating different software service and application platforms in social, business, personal and community networking; research and development in the field of business, personal and social networking. FIRST USE: 20111015. FIRST USE IN COMMERCE: 20120204

**Standard
Characters
Claimed**

**Mark
Drawing
Code** (4) STANDARD CHARACTER MARK

**Serial
Number** 85538374

Filing Date February 9, 2012

**Current
Basis** 1A

**Original
Filing
Basis** 1A

**Published
for
Opposition** June 19, 2012

Owner (APPLICANT) DELSON GROUP INC CORPORATION DELAWARE 1218 BUBB ROAD CUPERTINO CALIFORNIA 95014

**Description
of Mark** Color is not claimed as a feature of the mark.

Type of Mark SERVICE MARK
Register PRINCIPAL
Live/Dead Indicator LIVE

-
- [TESS HOME](#) [NEW USER](#) [STRUCTURED](#) [FREE FORM](#) [BROWSE DICT](#) [SEARCH OG](#) [TOP](#) [HELP](#) [PREV LIST](#) [CURR LIST](#)
- [NEXT LIST](#) [FIRST DOC](#) [PREV DOC](#) [NEXT DOC](#) [LAST DOC](#)

Exhibit 4



Trademarks > Trademark Electronic Search System (TESS)

TESS was last updated on Thu Feb 20 03:10:26 EST 2014

[TESS HOME](#) [NEW USER](#) [STRUCTURED](#) [FREE FORM](#) [BROWSE DICT](#) [SEARCH OG](#) [BOTTOM](#) [HELP](#)

[Logout](#) Please logout when you are done to release system resources allocated for you.

Record 1 out of 1

[TSDR](#) [ASSIGN Status](#) [TTAB Status](#) (Use the "Back" button of the Internet Browser to return to TESS)

Tencent Weibo

Word Mark TENCENTWEIBO

Goods and Services IC 009. US 021 023 026 036 038. G & S: Apparatus and instruments for conducting, switching, transforming, accumulating, regulating or controlling electricity; apparatus for recording, transmission or reproduction of sound or images; blank magnetic data carriers, blank recording discs; pre-recorded magnetic data carriers and discs featuring computer games; computer software for the purposes of enabling the access to, transmission of, provision of, organization of and management of text messaging, instant messaging, voice messaging, hold-to-talk voice messaging, broadcast messaging, one-to-many messaging, photo and video sharing, location sharing, online blog journals, text messages, voice messages, web links and images via the Internet and other communications networks; downloadable software via the Internet for accessing, sending and receiving information on a global computer network; communications software for the facilitation of communication and data transmission in the field of social networking; computer software for playing computer games; computer software for the purposes of playback of audio and video materials; computer software for the purposes of playback of audio and video materials stored via cloud data storage; computer software for recording, organizing, transmitting, receiving, manipulating, playing and reviewing text, data, image, audio and video files; computer software for use in organizing, transmitting, receiving, manipulating, playing and reviewing text, data, image, audio and video files on portable and handheld digital electronic devices; computer software to enable the playback of audio, visual, video and audio-visual computer media files; computer software for the purposes of producing animated graphic interchange files; computer software for optimizing the speed of core processors, software to enhance the audio visual capabilities of multimedia applications, namely, the integration of text, audio, graphics, still images and moving pictures; automatic vending machines and mechanisms for coin-operated apparatus; cash registers, calculating machines, data processing equipment and computers; fire-extinguishing apparatus; computer hardware; computer software for use in creating, editing and delivering textual and graphic information via computer communication networks, wireless, telephone or other communication tool, Internet Protocol (IP) telephones; computer software used to enhance the capabilities and features of other software and nondownloadable online software; software and software applications to enable transmission, access, organization, and management of text messaging, instant messaging, online blog journals, text, web links, and images via the Internet and other communications networks; downloadable software to facilitate online advertising, business promotion, connecting social network users with businesses and for tracking users and advertising of others to provide strategy, insight, marketing, and predicting consumer behavior; downloadable software for use in creating, editing and delivering textual and graphic information via computer communication networks, wireless, telephone or other communication tool, Internet Protocol (IP) telephones; software for accessing information on a global computer network; downloadable software in the field of social networking for use in creating personal profiles and collecting user-defined information; downloadable software in the nature of a mobile application for use in creating, editing and

delivering textual and graphic information via computer communication networks, wireless, telephone or other communication tool, Internet Protocol (IP) telephones; digital wireless telecommunications software. computer software for use in creating, editing and delivering textual and graphic information via computer communication networks, wireless, telephone or other communication tool, Internet Protocol (IP) telephones; downloadable computer programs for use in telecommunications, namely, telecommunications software for providing single user and multiple user access to a global computer network

IC 016. US 002 005 022 023 029 037 038 050. G & S: Paper, cardboard and goods made from these materials, not included in other classes, namely, pamphlets, brochures, leaflets, instruction manuals, all in the fields of computers, telephones, mobile telephones and other mobile devices, and cardboard boxes for use as packaging; printed matter, namely, pamphlets, brochures, leaflets, instruction manuals, all in the fields of computers, telephones, mobile telephones and other mobile devices; book binding material; photographs; stationery; adhesives for stationery or household purposes; artists' materials, namely, brushes, paints, pastels; typewriters and office requisites except furniture, namely, card files, document files, folders, staplers, paper clips, and rubber bands; instructional and teaching material, except apparatus, in the field of computers, telephones, mobile telephones and other mobile devices; plastic materials for packaging, namely, bags, bubble packs; printers' type; printing blocks; adhesive labels; photograph albums; autograph books; greetings cards; gift bags; gift boxes; wrapping paper; appointment books; birthday books; diaries; calendars; business cards; paint brushes; pastels; crayons; canvases for painting; charcoals for drawing; sketch books; notepads; exercise books; note paper; envelopes; erasers; pencils; pencil cases; pens; ink pens and pads; pen ink cartridges; correction pens; correction fluids; binders; document wallets; books, printed publications in the nature of magazines, journals, newspapers, broadsheets, brochures, leaflets, booklets, catalogues, circulars, manuals, programmes, directories, annuals in the form of printed publications, prospectuses, all in the fields of computers, telephones, mobile telephones and other mobile devices

IC 035. US 100 101 102. G & S: Advertising and marketing; business management; business administration; office functions; advertising services; business data analysis; online service for connecting social network users with businesses for facilitating purchases via a payment platform; online advertising and marketing services; promotional services using audiovisual media; business networking; business monitoring and consulting services, namely, tracking users and advertising of others to provide strategy, insight, marketing guidance, and for analyzing, understanding and predicting consumer behavior and motivations, and market trends; placing advertisements and promotional displays in electronic sites accessed via computer networks; providing information regarding careers, employment, and job placement; providing market information in relation to consumer products; providing commercial information on shopping; compiling and maintaining online business directories; providing information regarding organizing and conducting volunteer programmes and community service projects; advertising; computerized file management; sales promotion for others; computerized database management; systemization of information into computer databases; business information services; providing business information over the internet; providing facilities for the use of office equipment, namely, computer stations

IC 038. US 100 101 104. G & S: Electronic communication services for the electronic transmission of data, messages, images, and voices and telecommunication services by means of mobile telephone, telephone, mobile devices, voice mail, teleconferencing, facsimile transmission, satellite transmission, paging services; message sending, communications by telephone, cellular telephone communication, electronic mail, computer aided transmission of messages and images, facsimile transmission, satellite transmission, paging services; provision of radio, telephone or other means of electronic communication services, namely, electronic computer terminals; rental of message sending apparatus; multi-media telecommunication services, namely, transmission of sound and video via interactive multimedia networks; interactive telecommunications services by electronic communications networks and electronic computer terminals; communication by computer terminals, video, wire, satellite, microwave and cable; voice communication by electronic means; leasing and rental of communication and telecommunication apparatus and instruments; transmission of data by electronic means among fixed and mobile points; voice communication services among fixed and mobile point; transmission of data and of information by electronic means, mobile telephones, computer, cable, radio, communications satellite; digital network teleconferencing service; provision of on-line forums for transmission of messages among computer users; providing online chat rooms for transmission of messages among users in the field of general interest, and for social networking; providing access to computer databases; provision of information, management, consultancy and advisory services for the aforesaid services; telecommunication services, namely, providing online and telecommunication facilities for real-time interaction between and among users of computers, mobile and handheld computers, and wired and wireless communication devices, telecommunication services, namely, enabling individuals to send and receive messages via email, instant messaging or a website on the internet in the field of general interest; providing on-line chat rooms and electronic bulletin boards for transmission of messages among users in the field of general interest; telecommunications; electronic mail services; instant messaging services, web messaging services, and text messaging services; electronic communication services; broadcasting services; webcasting services; transmission of messages, data and content via a global computer network and other computer and communications networks; transmission of updated messages, comments,

information, and multimedia content by electronic mail, instant messaging, text messaging, and via a global computer network and other computer and communications networks; providing online forums, chat rooms, and online list servers for the transmission of messages, comments, information, and multimedia content among computer users; telecommunication services, namely, enabling users to transmit messages, comments, multimedia content, videos, movies, films, photos, audio content, animation, pictures, images, text, information, and other user-generated content via a global computer network and other computer and communications networks; providing online community forums for users to post, search, watch, share, critique, rate, and comment on, messages, comments, multimedia content, videos, movies, films, photos, audio content, animation, pictures, images, text, information, and other user-generated content. broadcasting services via a global computer network and other computer and communications networks including radio and television which features uploaded, downloaded, posted, shown, displayed, tagged, shared and electronically transmitted messages, comments, multimedia content, videos, movies, films, photos, audio content, animation, pictures, images, text, information, and other user-generated content; providing internet access to online non-downloadable software; providing access to non-downloadable software to enable sharing of multimedia content and comments among users in the fields of news, weather, sports, travel, current events, reference information, career information, computing, technology, shopping, auctions, movies, theater, music, health, education, science, finance, and investing

IC 041. US 100 101 107. G & S: Providing entertainment information via cellular and wireless communication, the Internet, electronic communications networks and computer networks in the fields of entertainment news, sports, current entertainment events, entertainment reference information, computer games, movies, theater, music, education, and the academic field of science for the purpose of academic study; organizing sporting and cultural activities in the nature of computer games to be played online via a computer network; publishing on-line journals, namely, blogs featuring user-defined content; providing non-downloadable education services in the form of electronic, computer and video games provided by means of the Internet, mobile telephone and/or other communications device, systems and networks; providing training services in the field of technology in the form of electronic, computer and video games provided by means of the Internet, mobile telephone and/or other communications device, systems and networks; providing on-line journals, namely, blogs, featuring user-defined content; provision of information in the field of computers in the forms of publications, namely, magazines, magazines supplements, magazine sections, newsletters, pamphlets, brochures, exhibition programs, reports, books and directories, provided on-line from a computer data base or from the Internet

IC 042. US 100 101. G & S: Computer programming; design, research and development in the field of telecommunication and broadcasting and related apparatus and equipment; design of web sites and software applications on global computer networks and local and internal business computer networks; computer hardware and software leasing; designing, maintenance, testing and analysis of computer software, computer system and computer programs; updating of computer software, recovery of computer data; graphic art design and development of multimedia software applications; monitoring the websites of others to improve scalability and performance, integration of computer database systems; application provider services (ASP), namely, hosting computer software applications of others and developing websites of others in the fields of advertising and marketing; hosting an interactive website and online non-downloadable software that enable users to post, search, watch, share, critique, rate, and comment on, messages, comments, multimedia content, videos, movies, films, photos, audio content, animation, pictures, images, text, information, and other user-generated content via a global computer network and other computer and communications networks; hosting an interactive website and online non-downloadable software for uploading, downloading, posting, showing, displaying, tagging, sharing and transmitting messages, comments, multimedia content, videos, movies, films, photos, audio content, animation, pictures, images, text, information, and other user-generated content; dress and fashion design; providing online non-downloadable software tools, namely, tools for creating calendars and customizing emails; scientific and technological services and research and design relating thereto all in the field of information technology and computing; design and development of computer hardware and software, industrial analysis and research services in the field of information technology and computing; hosting a website featuring messages, comments, multimedia content, videos, movies, films, photos, audio content, animation, pictures, images, text, information, and other user-generated content online; hosting computer software applications of others; hosting of digital content online; hosting multimedia content for others; computer services, namely, providing temporary use of a non-downloadable computer interface in order to create online personalized information services; designing, updating, testing and analysis of computer systems, computer hardware, computer software and computer programs; creating and maintaining web sites for others, hosting computer sites, namely, web sites; design of web sites and software applications on global computer networks and local and internal computer networks; provision of information, management, consultancy and advisory services relating to all the aforesaid services; providing a video sharing portal; creating an online community for registered users to participate in discussions, get feedback from their peers, form virtual communities, and engage in social networking

IC 045. US 100 101. G & S: Providing online, internet-based social networking services; providing a website on the internet for the purpose of social networking; personal and social services, namely, social introduction services,

rendered by others to meet the needs of individuals; online social networking services; legal services

Mark	
Drawing Code	(3) DESIGN PLUS WORDS, LETTERS, AND/OR NUMBERS
Design Search Code	26.01.13 - Circles, two (not concentric); Two circles 26.01.17 - Circles, two concentric; Concentric circles, two; Two concentric circles 26.01.21 - Circles that are totally or partially shaded. 26.17.09 - Bands, curved; Bars, curved; Curved line(s), band(s) or bar(s); Lines, curved
Serial Number	85455475
Filing Date	October 25, 2011
Current Basis	1B;44E
Original Filing Basis	1B;44D
Published for Opposition	March 25, 2014
Owner	(APPLICANT) Tencent Holdings Limited limited company (Ltd.) CAYMAN ISLANDS Cricket Square Hutchins Dr., George Town P.O. Box 2681 GT, Century Yard, Grand Cayman CAYMAN ISLANDS
Attorney of Record	Angela Alvarez Sujek
Priority Date	October 17, 2011
Description of Mark	Color is not claimed as a feature of the mark. The mark consists of stylized circles and lines, with the wording "TencentWeibo" appearing to the right of the design.
Type of Mark	TRADEMARK. SERVICE MARK
Register	PRINCIPAL
Live/Dead Indicator	LIVE

[TESS HOME](#) [NEW USER](#) [STRUCTURED](#) [FREE FORM](#) [BROWSE DICT](#) [SEARCH OG](#) [TOP](#) [HELP](#)

[|.HOME](#) | [SITE INDEX|](#) [SEARCH](#) | [eBUSINESS](#) | [HELP](#) | [PRIVACY POLICY](#)